

IN THE TRIAL CHAMBER

Before:

**Judge Almiro Rodrigues, Presiding
Judge Fouad Riad
Judge Patricia Wald**

Registrar:

Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of:

14 April 2000

THE PROSECUTOR

v.

**MIROSLAV KVOCKA
MILOJICA KOS
MLADO RADIC
ZORAN ZIGIC
DRAGOLJUB PRCAC**

DECISION ON PROSECUTION MOTION TO JOIN TRIALS

The Office of the Prosecutor:

**Ms. Brenda Hollis
Mr. Michael Keegan
Mr. Kapila Waidyaratne**

Defence Counsels:

**Mr. Krstan Simic for Miroslav Kvocka
Mr. Zarko Nikolic for Milojica Kos
Mr. Toma Fila for Mladjo Radic
Mr. Simo Tosic for Zoran Zigic
Mr. Jovan Simic for Dragoljub Prcac**

TRIAL CHAMBER I of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 ("the Tribunal");

BEING SEIZED of the Prosecutor's oral motion dated 6 March 2000 that Dragoljub Prcac be tried jointly with Miroslav Kvocka, Milojica Kos, Mladjo Radic and Zoran Zigic;

NOTING the Trial Chamber's decision dated 8 March 2000 that, as agreed by the Defense of all the accused, the case IT-98-30 be suspended until 2 May 2000 in order to give Mr. Prcac time to prepare his defense and be ready to be tried jointly with Miroslav Kvocka, Milojica Kos, Mladjo Radic and Zoran Zigic (case number IT-98-30);

NOTING that the Defense agreed to the joinder during the Status Conference held on 22 March 2000 providing that the case would be ready for trial on 2 May 2000;

NOTING the Trial Chamber's finding during the pre-trial conference held on 12 April 2000 that the case was ready to go to trial and the accused willing to have his trial joined; the subsequent oral order that Dragoljub Prcać shall be tried jointly with Miroslav Kvočka, Milošević, Mladjo Radic and Zoran Zigić;

CONSIDERING that Dragoljub Prcać, Miroslav Kvočka, Milošević, Mladjo Radic and Zoran Zigić are accused of crimes committed in the course of the same transaction, in the Omarska camp between 31 May 1992 and 31 December 1992; that the trial of the accused Kvočka, Milošević, Radic et Zigić commenced on 28 February 2000 with the testimonies of the accused Kvočka and Radic and was suspended at the end of those testimonies; that those testimonies were listed as exhibits in the Prosecution's dossier;

CONSIDERING that a joint trial would accelerate trial of one of the accused without prejudice to his or other accused's rights of defense, avoid duplication of evidence, minimize hardship caused to witnesses, and is generally in the interest of judicial economy; that therefore the interests of justice would be best served by a joint trial in this case;

PURSUANT to articles 20 and 21 (4) (c) of the Statute and Rules 48 and 82 of the Rules of Procedure and Evidence;

HEREBY ORDERS that the trial of Dragoljub Prcać be joined to that of Miroslav Kvočka, Milošević, Mladjo Radic and Zoran Zigić;

FURTHER REQUEST the Registry to determine and assign to the joined cases a new case number; all documents filed in those joined cases shall bear this new number at the day of this decision.

Done in English and French, the English text being authoritative.

Almiro Rodrigues
Presiding Judge

Dated this fourteenth day of April 2000,
At The Hague
The Netherlands.

[Seal of the Tribunal]